
DRAFT STATUTORY INSTRUMENTS

2003 No.

**The Conduct of Employment Agencies and
Employment Businesses Regulations 2003**

PART II

GENERAL OBLIGATIONS

Restriction on detrimental action relating to work-seekers working elsewhere

6.—(1) Neither an agency nor an employment business may (whether by the inclusion of a term in a contract with a relevant work-seeker or otherwise)—

- (a) subject or threaten to subject a relevant work-seeker to any detriment on the ground that—
 - (i) the relevant work-seeker has terminated or given notice to terminate any contract between the work-seeker and the agency or employment business, or
 - (ii) in the case of an employment business, the relevant work-seeker has taken up or proposes to take up employment with any other person; or
- (b) require the relevant work-seeker to notify the agency or the employment business, or any person with whom it is connected, of the identity of any future employer of the relevant work-seeker.

(2) For the avoidance of doubt, the following shall not constitute a detriment within the meaning of paragraph (1)(a)—

- (a) the loss of any benefits to which the relevant work-seeker might have become entitled had he not terminated the contract;
- (b) the recovery of losses incurred by an agency or employment business as a result of the failure of the relevant work-seeker to perform work he has agreed to perform; or
- (c) a requirement in a contract with the agency or employment business for the work-seeker to give a period of notice which is reasonable to terminate the contract.

(3) In this regulation, “relevant work-seeker” means any work-seeker other than, in the case of an employment business, a work-seeker who is or will be employed by the employment business under a contract of service or apprenticeship.